

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

STACEY BATES

PLAINTIFF

v.

Civil Action No. 3:03-cv-821WS

WAL-MART STORES, INC.,
a Delaware Corporation

DEFENDANT

FINAL JUDGMENT

Before this court is the amended motion of the defendant for summary judgment due to new case law and newly discovered evidence. After consideration of the motion, evidence offered in support of the motion, and the memoranda of the parties, the court finds that the motion of the defendant is well taken and should be granted. The Order Granting Summary Judgment entered by this court on January 11, 2006, is incorporated by reference. For the reasons assigned in the court's Order, the court concludes that judgment should be entered in favor of the defendant and against the plaintiff and that the defendant should be awarded its costs.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the complaint be, and it is hereby DISMISSED WITH PREJUDICE in accordance with this court's Order at the cost of the plaintiff.

IT IS FURTHER ORDERED AND ADJUDGED that the defendant is entitled to recover its taxable costs in this action upon filing a Bill of Costs in the time and manner prescribed.

SO ORDERED AND ADJUDGED, this the 11th day of January, 2006.

**s/ HENRY T. WINGATE
CHIEF UNITED STATES DISTRICT JUDGE**